

# EXHIBIT H

**CHARGE OF DISCRIMINATION**

This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.

Charge Presented To: Agency(ies) Charge No(s):

☐ FEPA☒ EEOC**523-2018-01934****Massachusetts Commission Against Discrimination**

and EEOC

State or local Agency, if any

Name (indicate Mr., Ms., Mrs.)

**Mr. Paul Jones**

Home Phone (Incl. Area Code)

Date of Birth

Street Address

City, State and ZIP Code

**572 Park Street, Stoughton, MA 02072**

Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)

Name

**MONTACHUSETTS REGIONAL TRANSPORTATION AUTHORITY**

No. Employees, Members

Phone No. (Include Area Code)

**15,000****15-100****2019****(978) 345-7711****Boston Area Office**

Street Address

City, State and ZIP Code

**1427 Water St, Fitchburg, MA 01420**

Name

No. Employees, Members

Phone No. (Include Area Code)

Street Address

City, State and ZIP Code

DISCRIMINATION BASED ON (Check appropriate box(es).)



RACE



COLOR



SEX



RELIGION



NATIONAL ORIGIN



RETALIATION



AGE



DISABILITY



GENETIC INFORMATION



OTHER (Specify)

DATE(S) DISCRIMINATION TOOK PLACE  
Earliest Latest**04-01-2016****02-11-2019**

CONTINUING ACTION

THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)):

**I am the President/Director of Commonwealth Community Recovery Division (CCRD), Inc.**

**In April 2016, CCRD, Inc. entered into a contract with Respondent to provide non-emergency transportation services (to and from medical appointments) to individuals receiving Mass Health Benefits.**

**In 2016, I received insufficient vendor portal training. Ability use the portal is critical to scheduling rides.**

**I noticed that in the first six months CCRD was contracted with Respondent, I would receive maybe 2-4 ride offers per day, whereas other vendors would receive up to 200. I knew this from spreadsheets I was able to download from a vendor report tab.**

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

I declare under penalty of perjury that the above is true and correct.

**Feb 11, 2019**

Date

Charging Party Signature

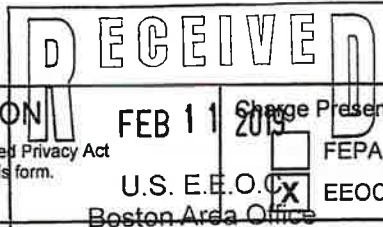
NOTARY - When necessary for State and Local Agency Requirements

*Susan M. Boscia*  
I swear or affirm that I have read the above charge and that it is the best of my knowledge, information and belief.

SIGNATURE OF COMPLAINANT

*Paul Jones*  
SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE  
(month, day, year)

**February 11, 2019**



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When I questioned Rebecca Bagley (Respondent's Director) about this, I was told my rates were too high. However, when I lowered my rates, I still received less rides than my counterparts. When I questioned Ivan Roman (my contract manager) I was told that some people don't even make it into the portal, and that Respondent would call me when needed. I would receive calls from Respondent, as well as calls from an auto dialer. This meant I was no longer able to pick which trips I wanted to accept (which is the advantage of the portal), since a person would either have to make the call, or put it into the auto dialer to call..

I also sent emails to Rebecca, Ivan, and Karen Cordla (Assistant Director for Transportation Programs for Respondent) alleging discrimination based on race, retaliation, and a hostile working environment.

After sending those emails, I began to be retaliated against. Respondent would assign me calls that were not cost effective (due to distance from the CCRD office), and when I declined, they would ask me when I was going to accept assignments, with hostility.

On or about February 2017, after losing all of my workers and being forced to sell company vehicles due to lack of assignments from Respondent, I filed a complaints with Mass Health, Massachusetts Executive Office of Health and Human Services, the Massachusetts Department of Transportation, the U.S. Department of Justice Civil Rights Division, and Senator Elizabeth Warrens office alleging discrimination and retaliation based on race and color.

In March 2017, Mass Health held a meeting with me and Respondent officials. Following the meeting, I gained access to the vendor portal starting in June 2017. I continued to receive calls from Respondent and the auto dialer. My portal access was completely removed after in September after 90 days. When I questioned it, Rebecca informed me it was because I had raised my rates (which I had done due to the price of gas). I believe this was in retaliation for my complaints.

Respondent continues to retaliate against me. Currently, I have been awarded trips by Respondent, only to find when I get there, another Respondent vendor has taken the client to the appointment. When I questioned it, I was told that Respondent had authorized them to do so. I also am being excessively fined by Respondent by being told that I accepted trips that I didn't accept in the portal. I am receiving calls for trip offers only in the morning, knowing there is no way I can accept all of them. I am also sent on trips but when I arrive, I am being told by the individual that it was scheduled for the wrong day. I have bid on contracts in approximately 50 cities/towns, but am currently only allowed to work in three to five.

I believe that I am an employee rather than an independent contractor, since Respondent controls how I work, when I work, and the terms and conditions of my work.

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

I declare under penalty of perjury that the above is true and correct.

Feb 11, 2019

Date

Charging Party Signature

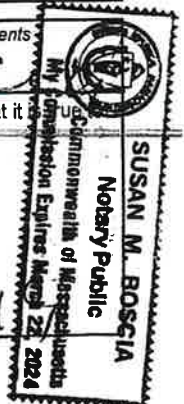
NOTARY / When necessary for State and Local Agency Requirements

I swear or affirm that I have read the above charge and that it is the best of my knowledge, information and belief.

SIGNATURE OF COMPLAINANT

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE  
(month, day, year)

February 11, 2019



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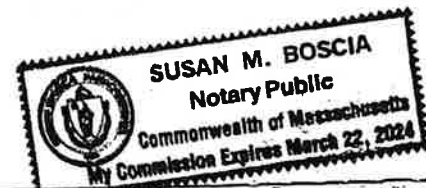
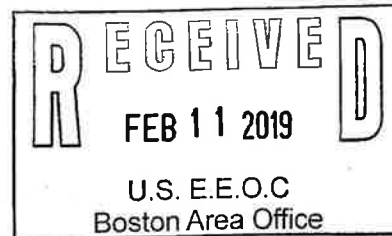
**523-2018-01934****Massachusetts Commission Against Discrimination**

and EEOC

*State or local Agency, if any*

I believe that I have been discriminated against and subjected to a hostile work environment based on my race and color (African-American). When I researched the vendors contracted to work with Respondent I learned that the majority of vendors are Russian and/or foreign. The person that runs Respondent's scheduling program, Tamara Shumovskaya is Russian. A very small percentage of the contractors are African-American. I also believe that when I complained to Respondent about the discrimination, I was unlawfully retaliated against.

I therefore charge Respondent with discriminating against me in violation of Title VII of the Civil Rights Act of 1964, as amended, and the applicable laws of the Commonwealth of Massachusetts.



I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

I declare under penalty of perjury that the above is true and correct.

**Feb 11, 2019**

Date

Charging Party Signature

NOTARY - When necessary for State and Local Agency Requirements

*Susan M. Boscia*  
I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.

SIGNATURE OF COMPLAINANT

*[Signature]*  
SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE  
(month, day, year)

*February 11, 2019*



**PRIVACY ACT STATEMENT:** Under the Privacy Act of 1974, Pub. Law 93-579, authority to request personal data and its uses are:

1. **FORM NUMBER/TITLE/DATE.** EEOC Form 5, Charge of Discrimination (11/09).
2. **AUTHORITY.** 42 U.S.C. 2000e-5(b), 29 U.S.C. 211, 29 U.S.C. 626, 42 U.S.C. 12117, 42 U.S.C. 2000ff-6.
3. **PRINCIPAL PURPOSES.** The purposes of a charge, taken on this form or otherwise reduced to writing (whether later recorded on this form or not) are, as applicable under the EEOC anti-discrimination statutes (EEOC statutes), to preserve private suit rights under the EEOC statutes, to invoke the EEOC's jurisdiction and, where dual-filing or referral arrangements exist, to begin state or local proceedings.
4. **ROUTINE USES.** This form is used to provide facts that may establish the existence of matters covered by the EEOC statutes (and as applicable, other federal, state or local laws). Information given will be used by staff to guide its mediation and investigation efforts and, as applicable, to determine, conciliate and litigate claims of unlawful discrimination. This form may be presented to or disclosed to other federal, state or local agencies as appropriate or necessary in carrying out EEOC's functions. A copy of this charge will ordinarily be sent to the respondent organization against which the charge is made.
5. **WHETHER DISCLOSURE IS MANDATORY; EFFECT OF NOT GIVING INFORMATION.** Charges must be reduced to writing and should identify the charging and responding parties and the actions or policies complained of. Without a written charge, EEOC will ordinarily not act on the complaint. Charges under Title VII, the ADA or GINA must be sworn to or affirmed (either by using this form or by presenting a notarized statement or unsworn declaration under penalty of perjury); charges under the ADEA should ordinarily be signed. Charges may be clarified or amplified later by amendment. It is not mandatory that this form be used to make a charge.

#### **NOTICE OF RIGHT TO REQUEST SUBSTANTIAL WEIGHT REVIEW**

Charges filed at a state or local Fair Employment Practices Agency (FEPA) that dual-files charges with EEOC will ordinarily be handled first by the FEPA. Some charges filed at EEOC may also be first handled by a FEPA under worksharing agreements. You will be told which agency will handle your charge. When the FEPA is the first to handle the charge, it will notify you of its final resolution of the matter. Then, if you wish EEOC to give Substantial Weight Review to the FEPA's final findings, you must ask us in writing to do so within 15 days of your receipt of its findings. Otherwise, we will ordinarily adopt the FEPA's finding and close our file on the charge.

#### **NOTICE OF NON-RETALIATION REQUIREMENTS**

Please **notify** EEOC or the state or local agency where you filed your charge **if retaliation is taken against you or others** who oppose discrimination or cooperate in any investigation or lawsuit concerning this charge. Under Section 704(a) of Title VII, Section 4(d) of the ADEA, Section 503(a) of the ADA and Section 207(f) of GINA, it is unlawful for an *employer* to discriminate against present or former employees or job applicants, for an *employment agency* to discriminate against anyone, or for a *union* to discriminate against its members or membership applicants, because they have opposed any practice made unlawful by the statutes, or because they have made a charge, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under the laws. The Equal Pay Act has similar provisions and Section 503(b) of the ADA prohibits coercion, intimidation, threats or interference with anyone for exercising or enjoying, or aiding or encouraging others in their exercise or enjoyment of, rights under the Act.